



COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION

3300 Newport Boulevard, Building C, Newport Beach, CA 92663
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CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT

November 14, 2012

Agenda Item 3

SUBJECT: Alvino Residence Parking Modification Permit - (PA2012-116)
700 Poppy Avenue
▪ Modification Permit No. MD2012-014

APPLICANT: John McNeely

PLANNER: Makana Nova, Assistant Planner
(949) 644-3249, mnova@newportbeachca.gov

ZONING DISTRICT/GENERAL PLAN

- **Zone:** R-1 (Single-Unit Residential)
- **General Plan:** R-1 (Single-Unit Residential Detached)

PROJECT SUMMARY

A modification permit to allow an approximate 15 percent addition (372 square feet) to an existing nonconforming single-family residence where the Zoning Code limits additions up to 10 percent of the existing gross floor area when two garage spaces are not provided. One garage space and one driveway parking space are provided on the subject property. The existing structure is also nonconforming because the left side yard setback projects 6 inches into the required 3-foot side yard setback.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. _ approving Modification Permit No. MD2012-014 No. (Attachment No. ZA 1).

DISCUSSION

- The property is currently developed with an existing 2,471-square-foot, single-unit dwelling that was built in 1952. The floor area limit for the property is approximately 6,272 square feet (1.5 times the buildable area of the property)

and the applicant's proposed additions would result in a residence with a total of 2,843 square feet. The proposed addition will result in a home that is comparable in size and scale to other single-unit dwellings in the neighborhood.

- The proposed addition consists of a new bedroom, bathroom, and entry foyer at the entry level. A portion of the existing dining room will be renovated as a new laundry room.
- Pursuant to Section 20.40.040 (Off Street Parking Spaces Required) of the Zoning Code, two parking spaces within a garage are required for single-family residences with habitable floor area of less than 4,000 square feet. The existing structure is considered nonconforming due to the number of garage parking spaces provided.
- The existing garage provides adequate space to park one vehicle and the driveway provides parking for a single, additional vehicle. Pursuant to Section 20.40.090.C.3.a (Parking Located in Required Setback Areas) of the Zoning Code, parking in front setback areas in front of a garage that is set back a minimum of 20 feet is allowed.
- Section 20.38.060.2.a (Nonconforming Parking) of the Zoning Code limits additions to 10 percent of the existing structure; however, a larger addition may be allowed subject to a modification permit. In this case, the request is to allow an approximate 15 percent addition to the existing nonconforming single-family residence.
- A number of older residences and garages within Old Corona Del Mar are nonconforming and do not provide the required number of on-site parking spaces. Particularly in the 700 block of Poppy Avenue adjacent to Buck Gully, at least four of nine properties provide only one garage space where the current parking standard requires two.
- This single-car garage development pattern may be due to variations in topography that occur adjacent to Buck Gully. The topography of the lot precludes development of a wider garage to accommodate two vehicles. The grade of the front yard area adjacent to the garage increases by 4 to 5 feet and is currently developed with planters and landscaping. The side property line of this area has a retaining wall where the grade then drops onto the adjacent property to the south at 624 Poppy Avenue.
- The provision of a second garage parking space would require a significant expansion of the scope of the work, since the addition would require excavation into the higher grade adjacent to the garage, retaining walls, drainage, and underpinning to accommodate a second vehicle in a larger garage. The buildable

area utilized to accommodate a garage expansion would require a new entry location to the residence and reorientation of the existing kitchen area to accommodate a new entry.

- The proposed project would not further contribute to demand for parking on the street since the required number of parking spaces is provided on-site.
- The existing structure is also nonconforming because the left side yard setback projects 6 inches into the required 3-foot side yard setback. Nonconforming structures are limited to a 50 percent addition of the existing gross floor area. The approximate 15 percent addition proposed for the existing residence falls within this limitation and is thus permitted by right.

ENVIRONMENTAL REVIEW

The project qualifies for a Class 1(Existing Facilities) categorical exemption per Section 15301 of the California Environmental Quality Act. The proposed project involves the addition of square footage to an existing single-family residence. This exemption includes additions to the existing structure up to 50 percent of the existing floor area or 2,500 square feet, whichever is less. This proposed scope of work qualifies for this exemption.

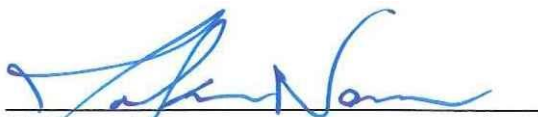
PUBLIC NOTICE

Notice of this application was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways and including the applicant), and posted on the subject property at least 10 days prior to the decision date, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

APPEAL PERIOD

An appeal may be filed with the Director of Community Development, within fourteen (14) days following the date the action or decision was rendered. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

Prepared by:



Makana Nova
Assistant Planner

BW/mkn

Attachments:

- ZA1 Draft Resolution for Approval with Findings and Conditions
- ZA2 Vicinity Map
- ZA3 Applicant's Project Description and Justification
- ZA4 Site Photos
- ZA5 Project Plans

Attachment No. ZA 1

Draft Resolution for Approval with
Findings and Conditions

RESOLUTION NO. ZA2012-###

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MODIFICATION PERMIT NO. MD2012-014 TO ALLOW AN APPROXIMATE 15 PERCENT ADDITION TO AN EXISTING SINGLE-FAMILY RESIDENCE THAT IS NONCONFORMING TO THE PARKING REQUIREMENTS AT 700 POPPY AVENUE (PA2012-116)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by John McNeely representing the property owner, Susan Alvino, with respect to property located at 700 Poppy Avenue, and legally described as Lot 9, Block B, Tract 673, requesting approval of a modification permit.
2. The applicant requests a modification permit to allow an approximate 15 percent (372 square feet) addition to an existing nonconforming single-family residence where the Zoning Code limits additions up to 10 percent of the existing gross floor area when two garage spaces are not provided. One garage space and one driveway parking space are provided on the subject property. The existing structure is also nonconforming because the left side yard setback projects 6 inches into the required 3-foot side yard setback.
3. The subject property is located within the R-1 (Single-Unit Residential) Zoning District and the General Plan Land Use Element category is RS-D (Single-Unit Residential Detached).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on November 14, 2012 in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Class 1 (Existing Facilities).
2. The Class 1 exemption includes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. The proposed project involves the addition of square footage to an existing single-family residence. This exemption includes additions to the existing structure up

to 50 percent of the existing floor area or 2,500 square feet, whichever is less. This project therefore qualifies for this exemption.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.050 E. (Required Findings, Modification Permits) of the Newport Beach Municipal Code (NBMC), the following findings and facts in support of the finding for a Modification Permit are set forth:

Finding:

- A. *The requested modification will be compatible with existing development in the neighborhood.*

Facts in Support of Finding:

1. A number of older residences within Old Corona Del Mar do not provide the required number of on-site parking spaces. Particularly in the 700 block of Poppy Avenue and adjacent to Buck Gully, at least four of nine properties provide only one garage parking space where the current parking standard requires two. This development pattern may be due to variations in topography that occur adjacent to the gully.
2. The subject property has a one-car garage. This configuration will not change with the proposed project. A second parking space is provided on the 20-foot driveway in front of the garage. Pursuant to Section 20.40.090.C.3.a (Parking Located in Required Setback Areas) of the Zoning Code, parking in front setback areas in front of a garage set back a minimum of 20 feet is allowed.
3. The neighborhood is comprised of a development pattern of single-unit and two-unit (duplex) dwellings. One garage parking space per residential unit was the parking requirement in 1952, when the existing residence was constructed.
4. The existing structure is also nonconforming because the left side yard setback projects 6 inches into the required 3-foot side yard setback. Nonconforming structures are limited to a 50 percent addition of the existing gross floor area. The approximate 15 percent addition proposed for the existing residence falls within this limitation and is thus permitted by right.

Finding:

- B. *The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code.*

Facts in Support of Finding:

1. The provision of a second garage parking space would require a significant expansion of the scope of the work, since the garage addition would require excavation into the higher grade adjacent to the existing grade, retaining walls, and underpinning to accommodate a second vehicle.
2. The buildable area utilized to accommodate a garage expansion would require a new entry location to the residence and reorientation of the existing kitchen area to accommodate a new entry.

Finding:

- C. *The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use.*

Facts in Support of Finding:

1. The topography of the lot precludes development of a wider garage to accommodate two vehicles. The grade of the front yard area adjacent to the garage increases by 4 to 5 feet and is currently developed with planters and landscaping. The side property line adjacent to this area has a retaining wall where the grade then drops onto the adjacent property to the south at 624 Poppy Avenue.

Finding:

- D. *There are no alternatives to the Modification Permit that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public.*

Facts in Support of Finding:

1. Without this approval, the applicant would be required to expand the existing one-car garage to accommodate a second vehicle at a significant cost, which would require excavation of the grade adjacent to the garage, a new retaining wall, and underpinning. In addition, a new entry to the existing residence would be required that would result in reorientation of the existing kitchen area to accommodate a new entry.
2. The Zoning Code recognizes that driveways are an appropriate location to park a vehicle by allowing parking in front setback areas in front of a garage set back a minimum of 20 feet. The requested deviation is for size of the addition to the existing nonconforming residence, which does not provide two enclosed parking spaces within a garage. The proposed project would not further contribute to demand for parking on the street since the required number of parking spaces is provided on-site.

Finding

- E. The granting of the modification would not be detrimental to public health, safety, or welfare to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code.*

Fact in Support of Finding

1. The existing development on the property is a single-family residence and the proposed development is a single-family residence. As such, there is no change to the density or intensity.
2. The proposed addition will result in a residence that is similar in scale to others in Corona Del Mar.
3. The design of the development shall not conflict with any easements acquired by the public at large for access through or use of property within the proposed development.
4. Public improvements shall be required per the Municipal Code.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Modification Permit No. MD2012-014 (PA2012-116), subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the Director of Community Development in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 14th DAY OF NOVEMBER, 2012.

Brenda Wisneski, AICP, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL****PLANNING**

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. Modification Permit No. 2012-014 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.91.050 of the Newport Beach Municipal Code, unless an extension is otherwise granted.
3. The addition shall be limited to 372 square feet in area and provide one bedroom maximum.
4. One parking space within a garage and one parking space on the 20-ft driveway shall be provided for the subject property. All parking spaces shall be maintained clear of obstructions for the parking of vehicles at all times.
5. A copy of the resolution with conditions of approval shall be incorporated into the Building Division and field sets of plans prior to the issuance of building permits.
6. Prior to issuance of building permits, the applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Modification Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11-inches by 17-inches. The plans shall accurately depict the elements approved by this Modification Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
7. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
8. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
9. The Zoning Administrator may add to or modify conditions of approval to this Modification Permit or revoke this Modification Permit upon a determination that the operation, which is the subject of this Modification Permit, causes injury, or is detrimental to the health, safety, peace, comfort, or general welfare of the community.

10. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by the property owner.
11. To the fullest extent permitted by law, applicant shall indemnify, defend, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Alvino Residence Parking Modification Permit including, but not limited to, Modification Permit No. MD2012-014 (PA2012-116). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Building Division and Fire Department Conditions

12. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements.
13. Fire rated walls shall be provided due to the project's proximity to the property line.
14. Projections need to meet the 2010 California Building Code, Chapter 7.
15. Openings, protected or non-protected need to satisfy 2010 California Building Code Chapter 7.
16. The residence is located in a High Fire hazard Area. Therefore, construction/building materials must comply with the construction requirements from the 2010 California Building Code Chapter 7a and City of Newport Beach Amendments to 7a.
17. Smoke detectors will be required for the new addition in the sleeping areas.
18. Fire sprinklers will be required if:
 - a. An addition and reconstruction is 2,000 square feet or more and exceeds 50 percent of the area of the existing structure.
 - b. An addition, when the existing building is already provided with automatic sprinklers.

Public Works Conditions

19. County Sanitation District fees shall be paid prior to the issuance of any building permits.
20. All improvements shall be constructed as required by Ordinance and the Public Works Department.
21. Reconstruct the existing broken and/or otherwise damaged concrete sidewalk panels, curb and gutter along the Poppy frontage.
22. Poppy Avenue is part of the City's Moratorium List. Work performed on said roadway will require additional surfacing requirements. See City Standard 105-L-F.
23. All existing private, non-standard improvements within the public right-of-way and/or extensions of private, non-standard improvements into the public right-of-way fronting the development site shall be removed.
 - a. The existing brick pavers within the parkway are considered non-standard improvements. Remove and replace with low growing ground cover or lawn.
24. An encroachment permit is required for all work activities within the public right-of-way.
25. The existing street tree(s) along Poppy Avenue shall be protected in place. Unauthorized tree removal(s) will trigger substantial penalties for all the parties involved.
26. A new sewer cleanout shall be installed on the existing sewer lateral per STD-406-L.
27. Existing low planter walls appear to be on private property. However, if they are in the public right-of-way, an Encroachment Agreement will be required and installation shall comply with Council Policy L-6.
28. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.

Attachment No. ZA 2

Vicinity Map

VICINITY MAP



Modification Permit No. MD2012-014
(PA2012-116)
700 Poppy Avenue

Attachment No. ZA 3

Applicant's Project Description
and Justification

MODIFICATION REQUEST

10-12-12

Property Address: 700 Poppy Avenue
Corona Del Mar, CA 92625

City of Newport Beach
Planning Department
Dear Sirs:

Property Conditions:

The subject property has an existing 2,190 s.f. dwelling with a (non-conforming) single car Garage on a property that is split level with the existing Garage at street level, and primary living level 4' above the street level.

Modification Request:

We are requesting a Modification from established Zoning ordinances that requires a 2-car Garage when new additions exceed 10% of existing dwellings. We are proposing a new Bedroom and Bath addition above the existing Garage that will be 352 s.f. which is 16% of the existing dwelling area. Though the existing Garage is located at the previous established side setback of 3', the new addition will conform to the newer side setback of 5', as well as all other currenting Zoning codes.

Justification:

1. The requested modification will be compatible with the existing development in the neighborhood. The neighboring homes are much larger with several that have 1-car Garages, which was the accepted standard at the time of original construction.
2. This modification is necessary due to the constraints this property presents. The main living level is 4' higher than the current Garage level (at street). Expensive excavation, retaining walls, and underpinning of the existing front of the home would be required to create a second car Garage. In order to provide another Garage, the rear wall of a new Garage would have to be the front wall of the home, which would require the existing foundation to be undermined or replaced with a new 4' - 5' high retaining wall that would need waterproofing and a drainage line behind it, and therefore 3' additional excavation and shoring of the existing dwelling.
This would require remodeling of the entire front of the home, including a total Kitchen remodel, which would place an enormous financial burden on the this relatively small project. A new entry location and hardscape would also be needed due to its proximity on the lot. Granting of the proposed modification is therefore necessary due to the practical difficulties associated with this property.
3. There are no alternatives to the Modification Permit that could provide a similar benefit with less detriment to this property, surrounding properties, and the neighborhood.
4. The granting of the modification would not be detrimental to public health, safety or welfare to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density, or intensity that would be inconsistent with the provisions of this Zoning Code.

We therefore request approval for this minor modification.

Respectfully,

Nick and Susann Alvino
Owners

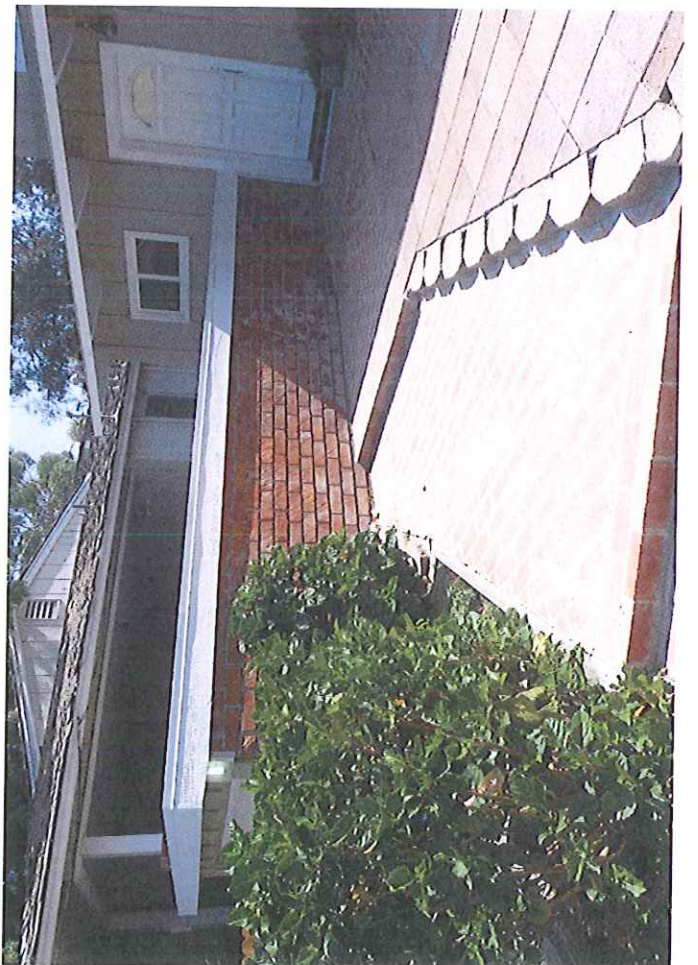
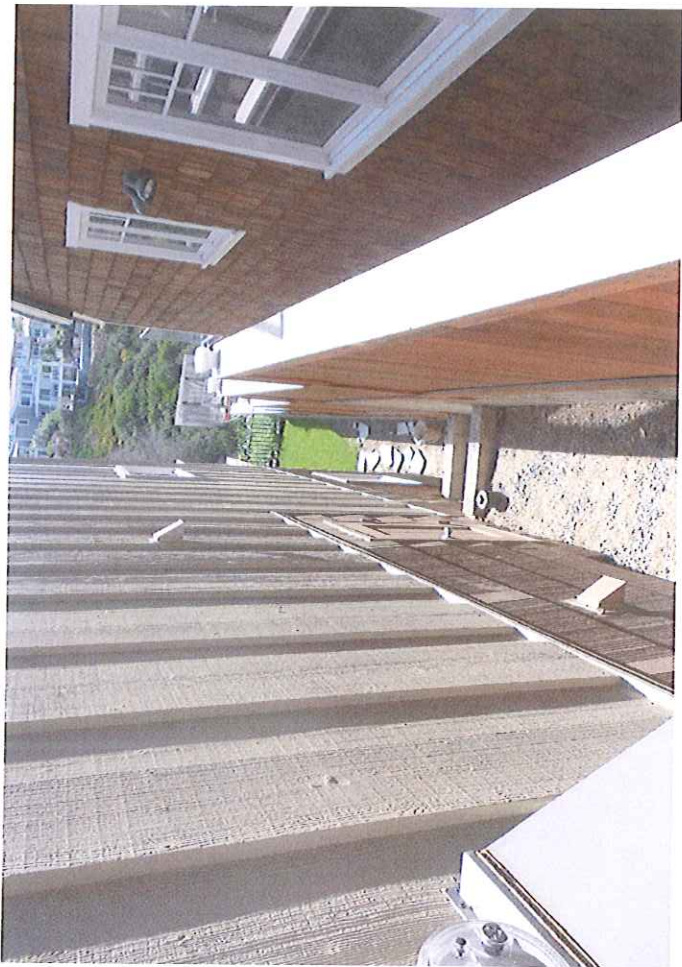
Attachment No. ZA 4

Site Photos



PA2012-116 for MD2012-014
700 Poppy Avenue
John McNeely

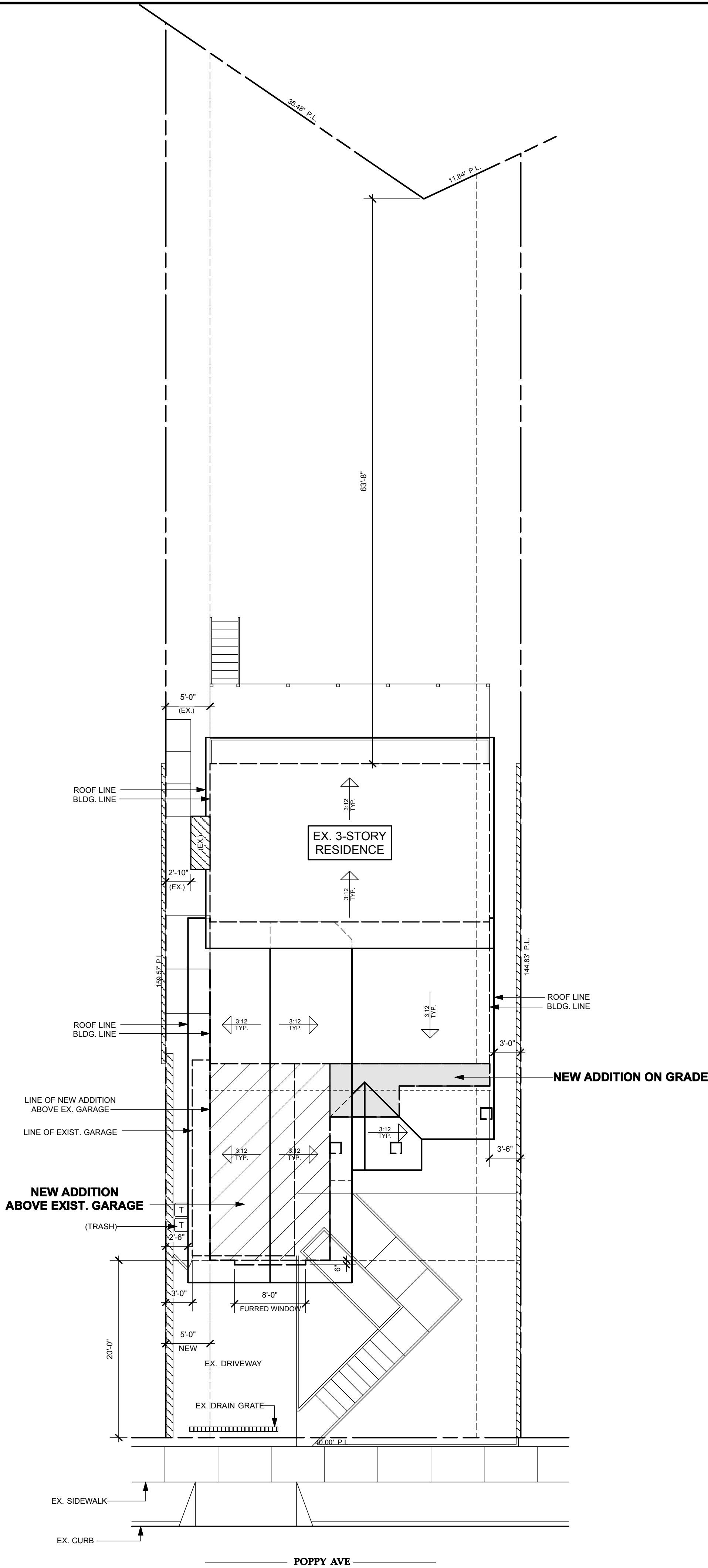




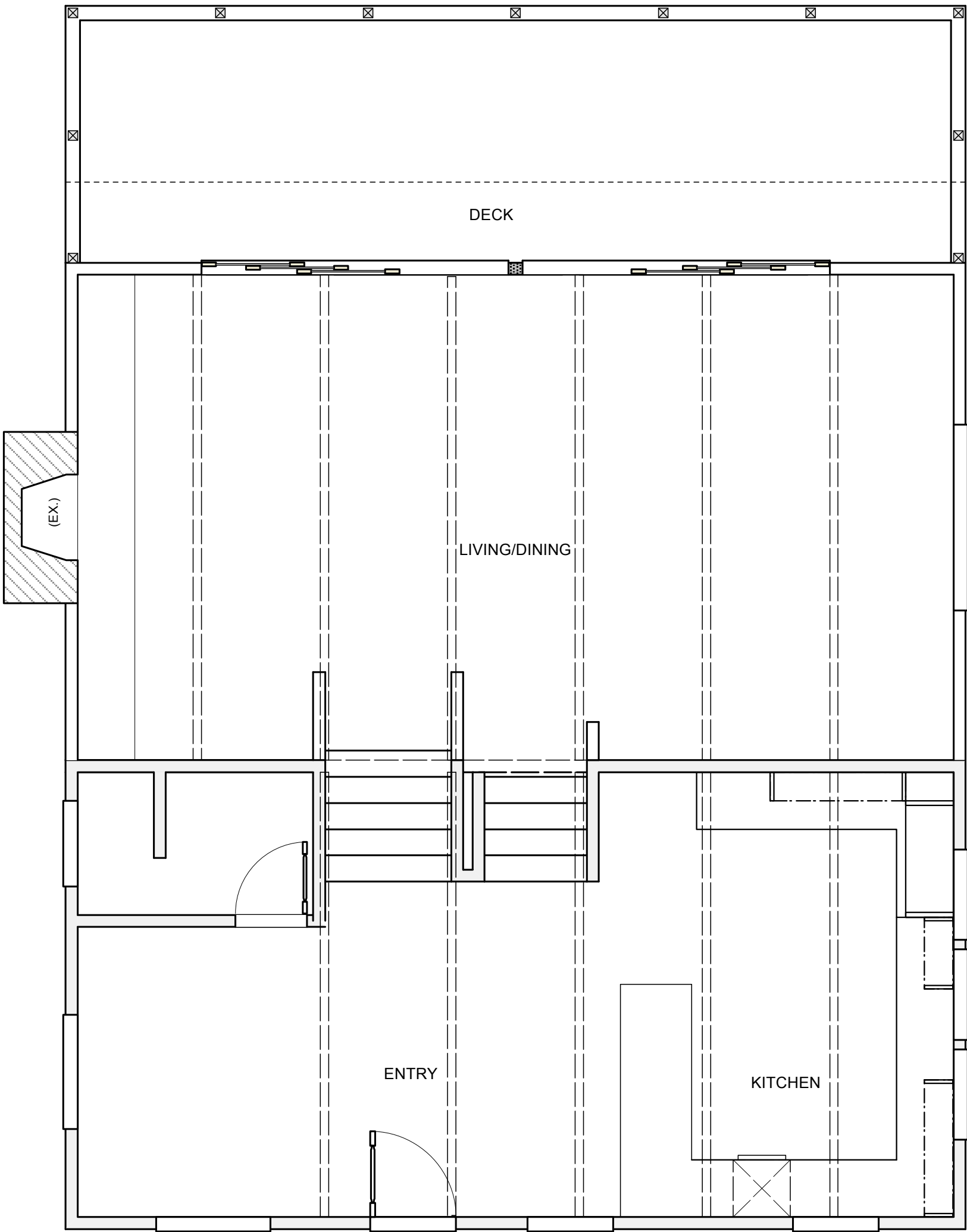
Attachment No. ZA 5

Project Plans

SITE AND ROOF PLAN



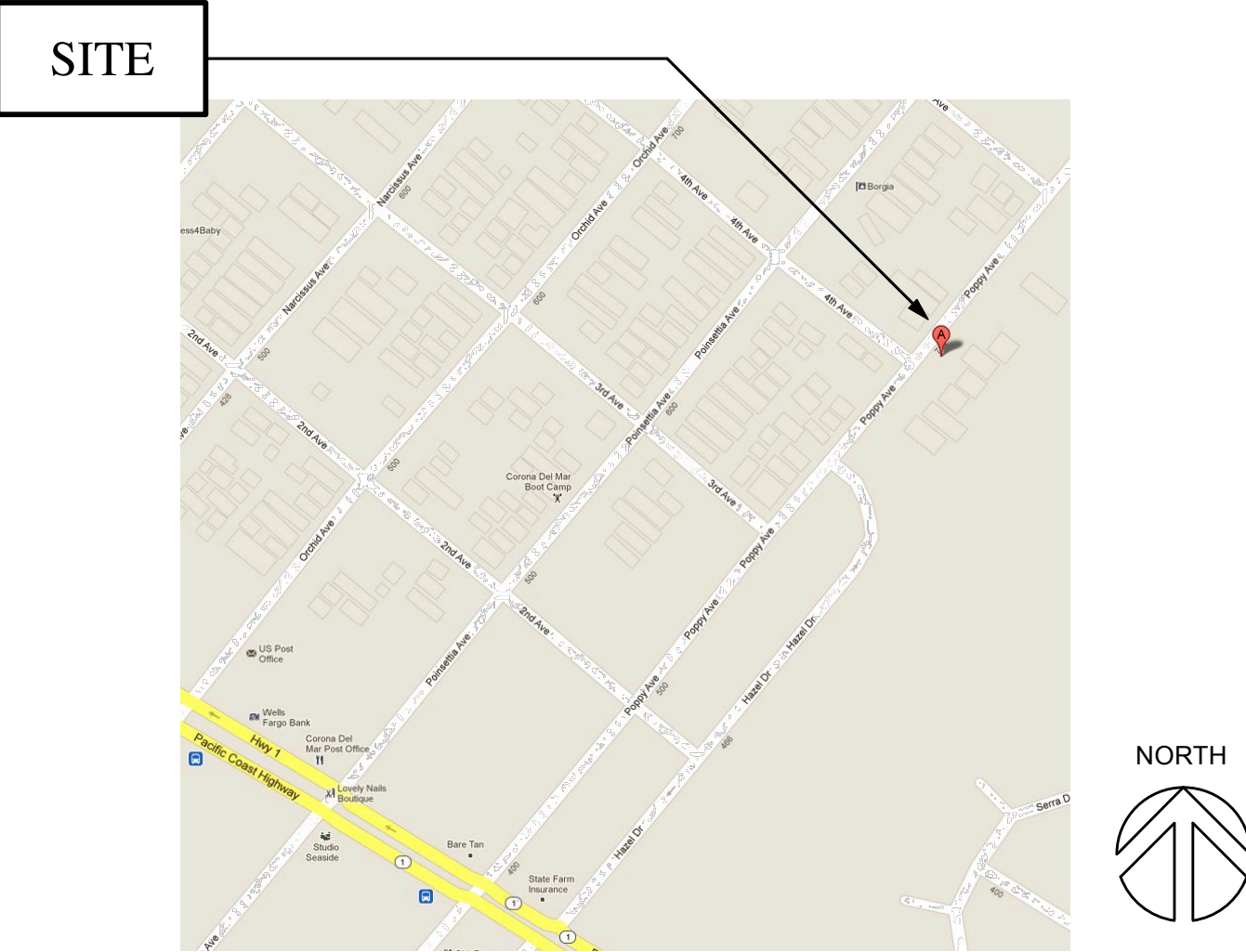
GENERAL NOTES



(EXIST.) ENTRY LEVEL

SCALE: 1/4" = 1'-0"

VICINITY MAP



PROJECT DATA

LEGAL DESCRIPTION

LOT: 9
BLOCK: B
TRACT: 0673
ZONE: R1
USE: S.F.R.
TYPE OF CONSTRUCTION: VB
SPRINKLERED: NO
A.P. # 459 123 28

BUILDING AREAS:

LIVING AREAS	EXISTING	NEW	TOTALS
LOWER FLOOR	386.0	0.0	386.0
MIDDLE FLOOR	573.0	0.0	573.0
UPPER FLOOR	1,068.0	372.0	1,438.0
TOTALS	2,201.0	372.0	2,573.0
GARAGE	270.0	0.0	270.0
DECKS	351.0	0.0	351.0

LOT COVERAGE:

LOT SIZE = 5,906 S.F.
PROPOSED ROOF FOOTPRINT = 1,848 S.F. (31%)
372 S.F. ADDITION = 16% OF EXIST. S.F.

OWNER:

NICK AND SUSAN ALVINO
700 POPPY AVENUE
CORONA DEL MAR, CA 92625
(949) 475-5915

PROJECT DESIGNER:

JOHN McNEELY
1792 SKYLINE DRIVE
NO. TUSTIN, CA 92705
(714) 417-9277

LANDSCAPE ARCHITECT:

DAVID A. PEDERSEN
20271 ACACIA STREET
NEWPORT BEACH, CA 92660
(949) 251-8999

STRUCTURAL ENGINEER:

ESI/FME ENGINEERS
1800 E. 18th STREET
SANTA ANA, CA 92701
(714) 835-2800

ENERGY CONSULTANT:

SOUTHLAND ENERGY CONSULTANTS
8592 LA CASITAS AVE
FOUNTAIN VALLEY, CA 92708
(714) 848-3756

SHEET INDEX

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BLDG. DEPT. SUBMITTALS:

ISSUED FOR BIDDING:

PLAN CHECK APPROVAL:

REVISIONS:

John F. McNeely
Incorporated
RESIDENTIAL DESIGN

1792 SKYLINE DRIVE
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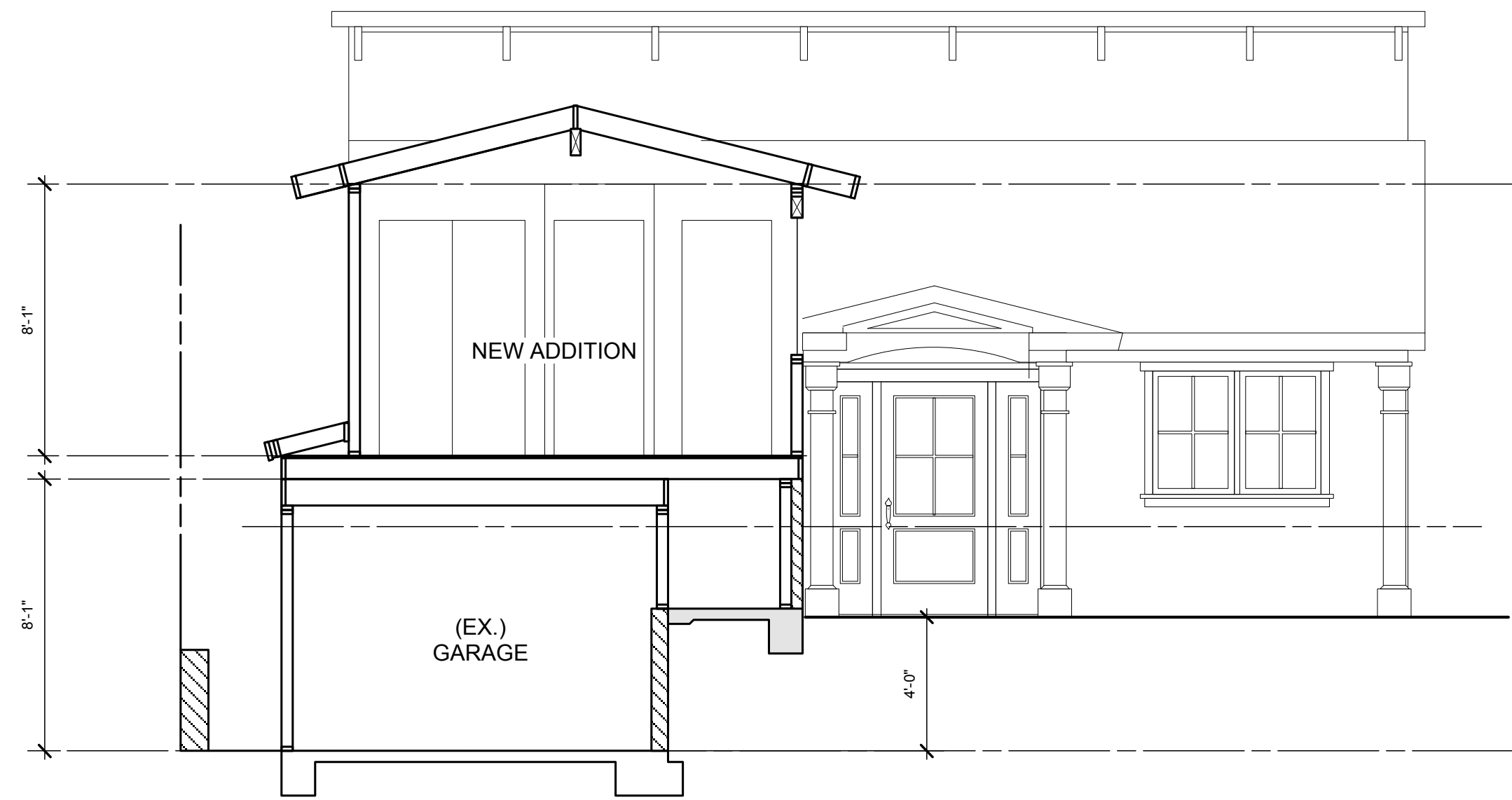
ALVINO ADDITION
700 POPPY AVENUE
CORONA DEL MAR, CALIFORNIA

SITE PLAN
GENERAL NOTES

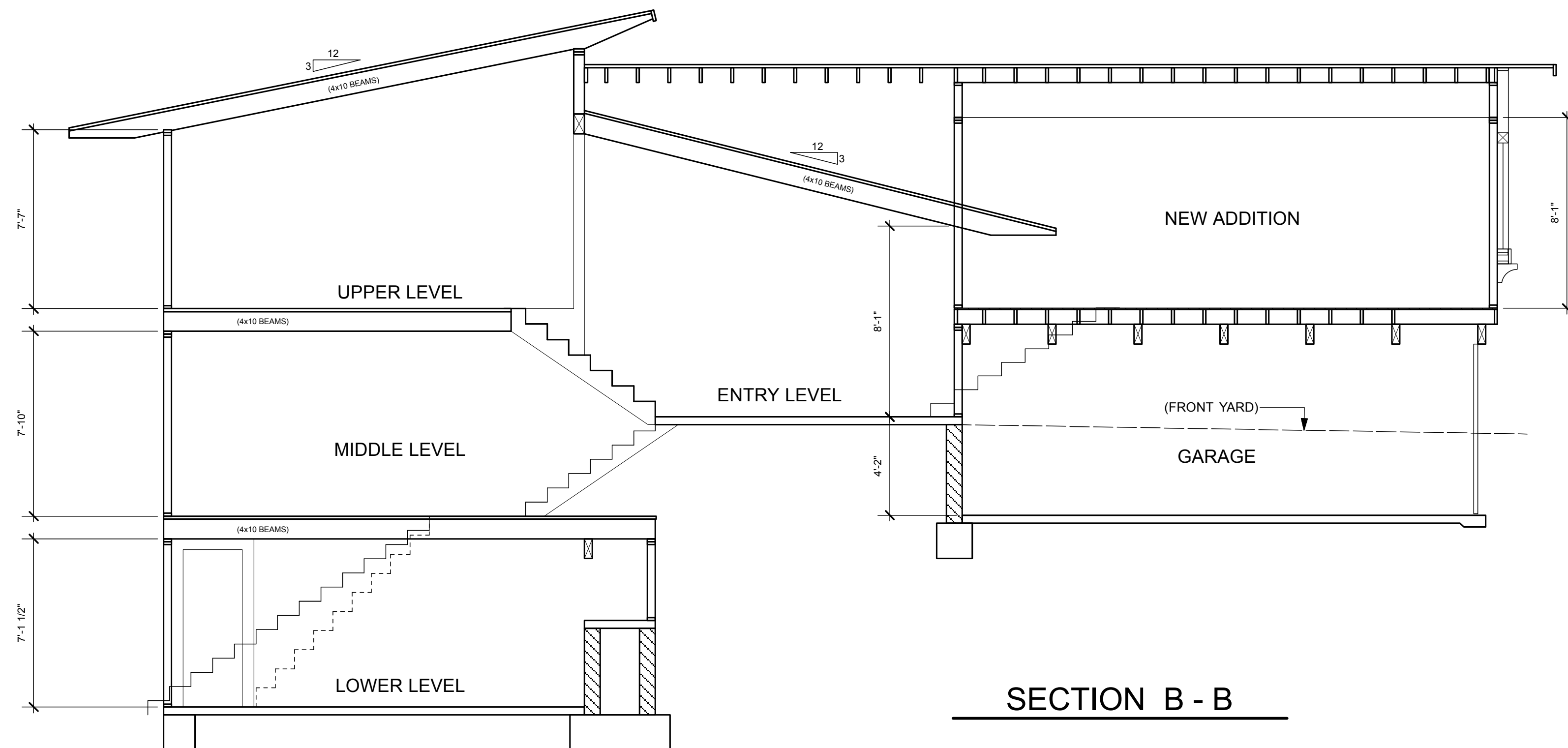
OCTOBER 8, 2012

SHEET

A1



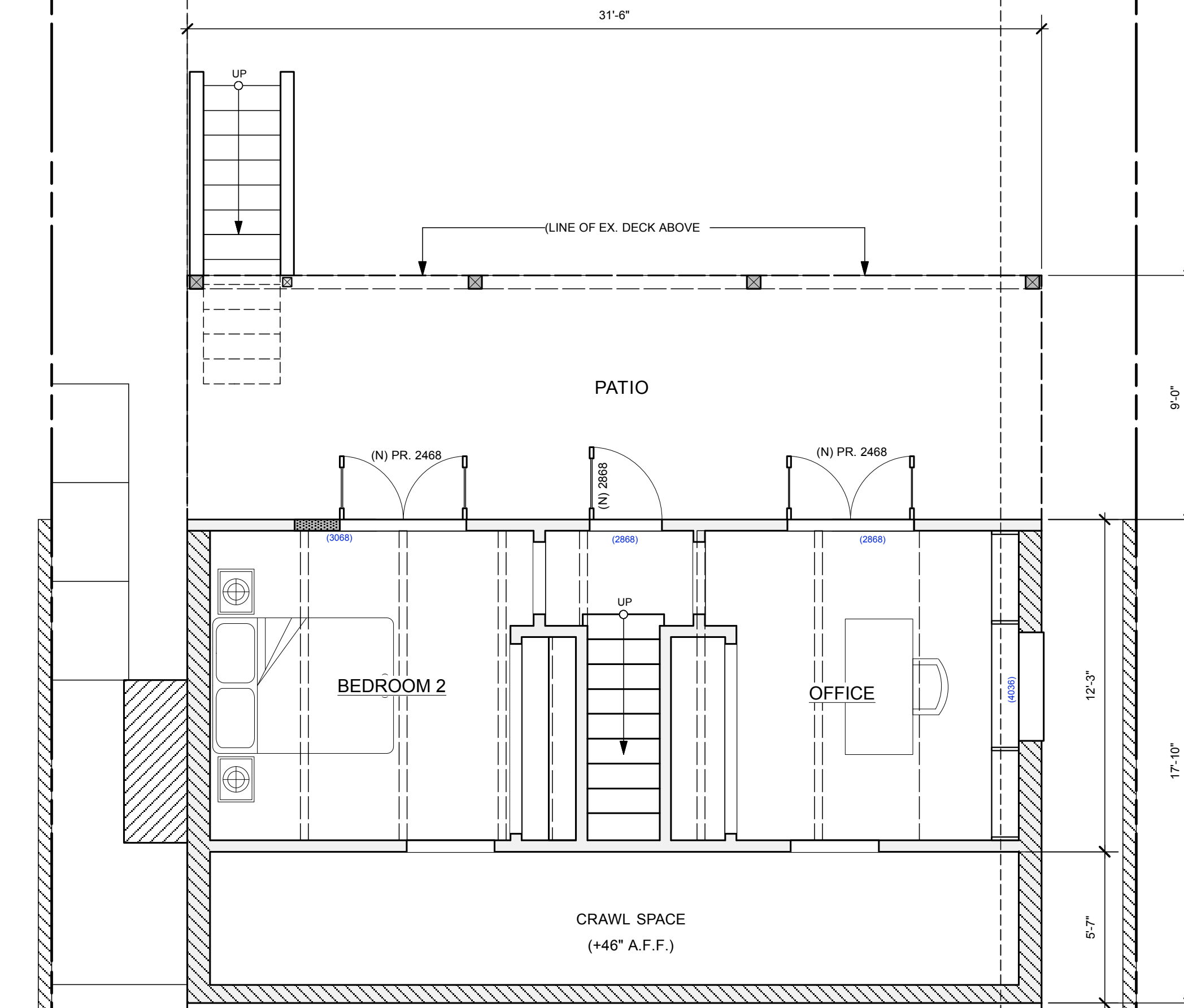
SECTION A - A



SECTION B - B

BUILDING SECTIONS

SCALE: 1/4" = 1'-0"



(EXIST.) FIRST FLOOR PLAN (LOWER LEVEL)

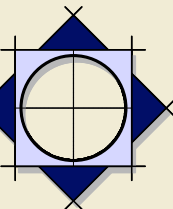
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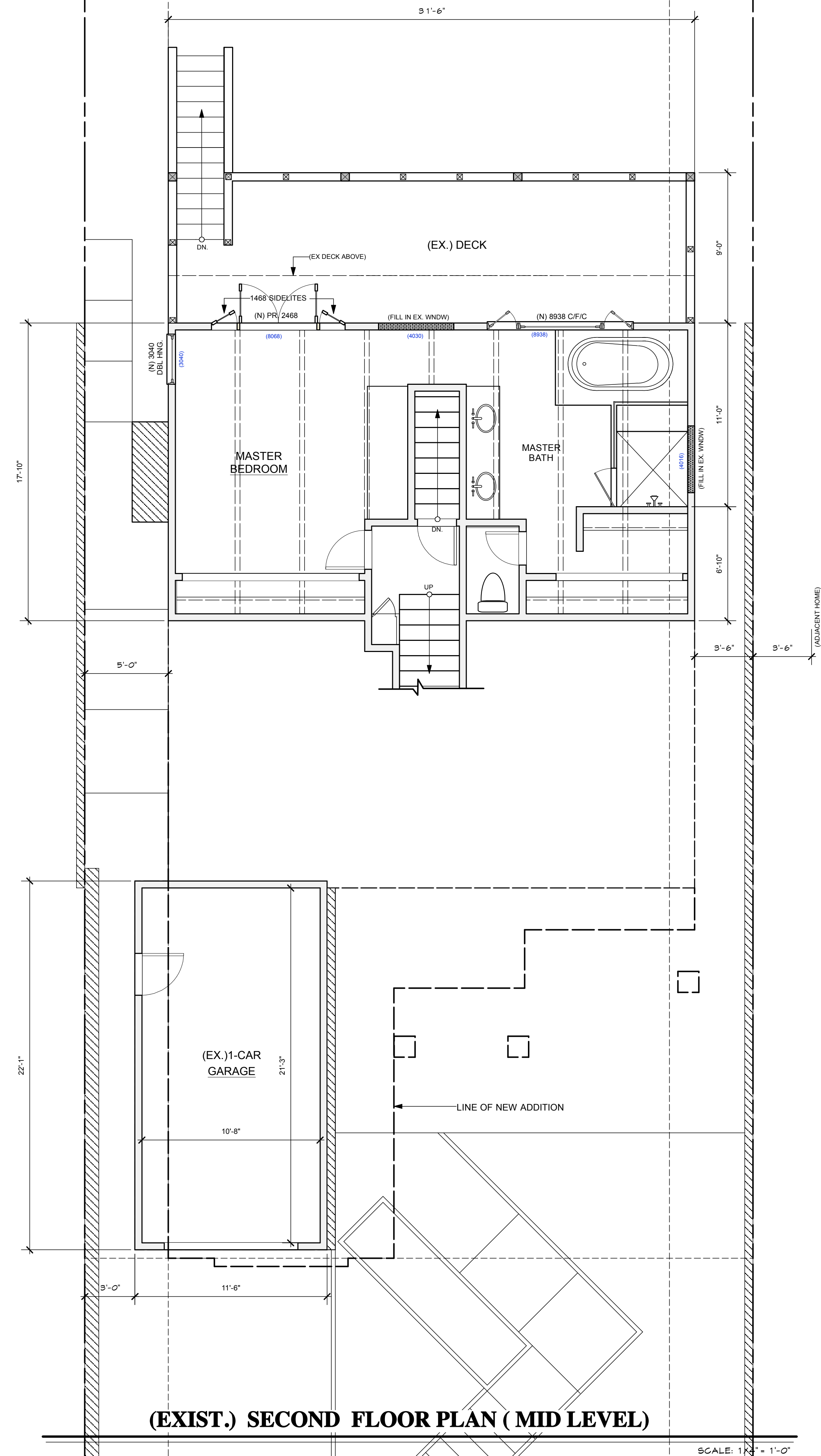
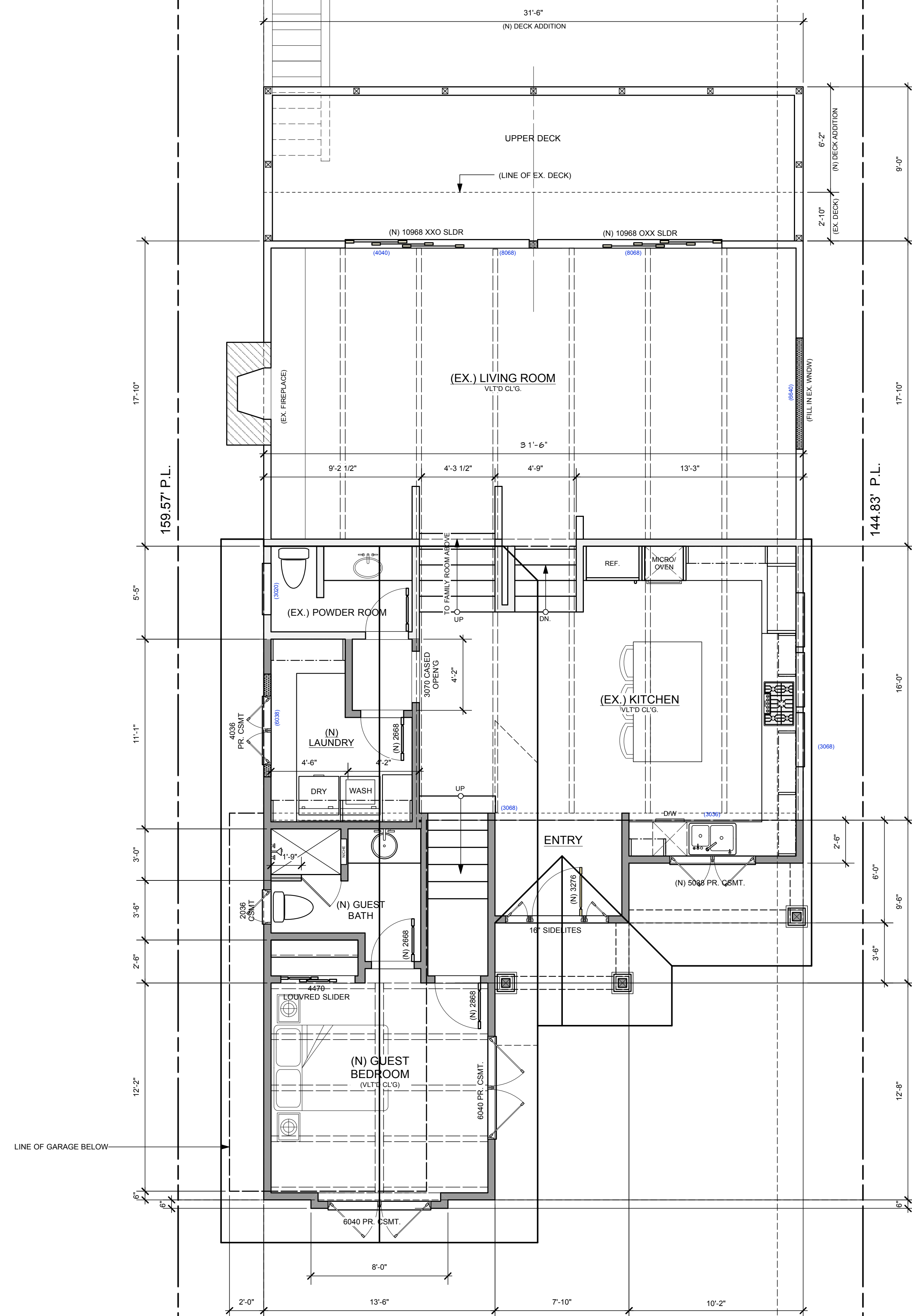
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700 POPPY AVENUE
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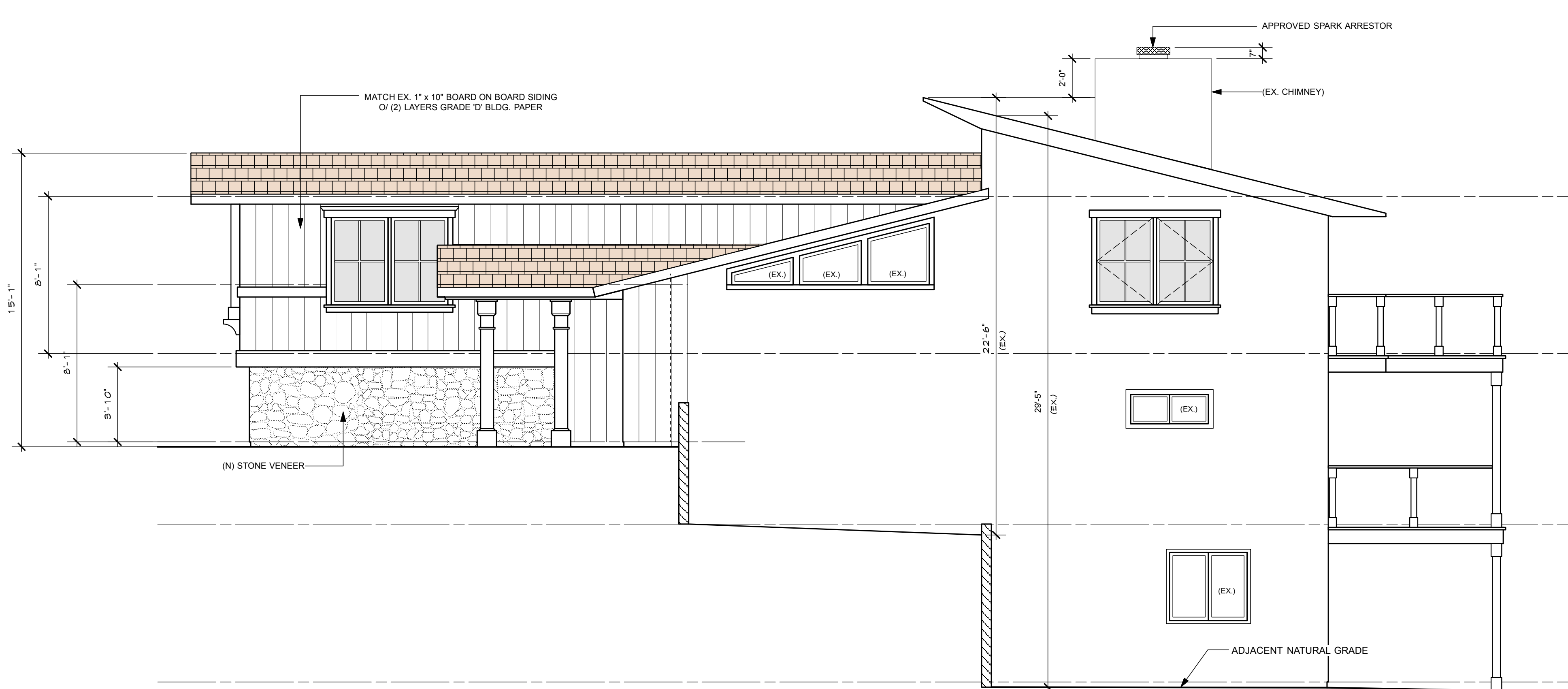
FIRST FLOOR PLAN /
BUILDING SECTIONS

OCTOBER 8, 2012

SHEET

A2





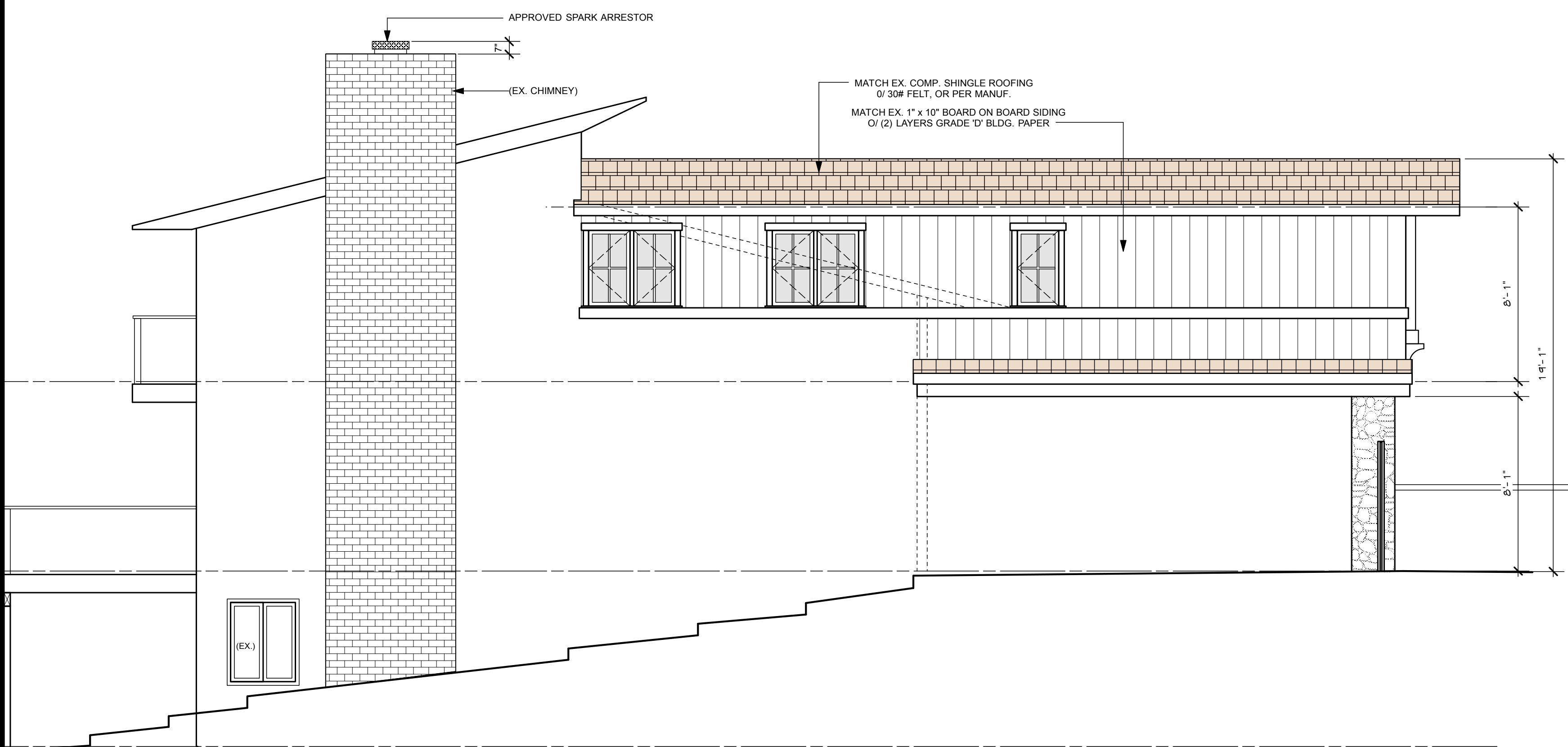
RIGHT SIDE ELEVATION (SOUTH)

SCALE: 1/4" = 1'-0"



REAR ELEVATION (EAST)

SCALE: 1/4" = 1'-0"



LEFT SIDE ELEVATION (NORTH)

SCALE: 1/4" = 1'-0"



FRONT ELEVATION (WEST)

SCALE: 1/4" = 1'-0"

BLDG. DEPT. SUBMITTALS:

ISSUED FOR BIDDING:

PLAN CHECK APPROVAL:

REVISIONS:

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ALVINO ADDITION
700 POPPY AVENUE
CORONA DEL MAR, CALIFORNIA

**EXTERIOR
ELEVATIONS**

OCTOBER 8, 2012

SHEET

A4